

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

ALONZO HAMPTON
ADC #137559

PLAINTIFF

v.

No. 5:19-cv-184-DPM

JESSICA MICKELS, Correction Officer,
Cummins Unit, ADC; WILLIAM STRAUGHN,
Warden, Cummins Unit, ADC; CHRISTOPHER
BUDNIK, Deputy Warden, Cummins Unit, ADC;
and WENDY KELLEY, Director, ADC

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Ray's recommendation, *Doc. 71*, and overrules Hampton's objections, *Doc. 74*. FED. R. CIV. P. 72(b)(3). Hampton hasn't exhausted his claims against Wendy Kelley. And taking the disputed facts in the light most favorable to Hampton, the record doesn't show that Mickels, Straughn, and Budnik were deliberately indifferent to a substantial risk of serious harm Hampton faced. Nor does it show that they otherwise violated his constitutional rights.

In his objections, Hampton says that though he didn't know the real names of the five men who threatened him, he offered to give Budnik and others their nicknames. This dispute isn't material, though. Norris wasn't one of the unknown folks who initially threatened

Hampton; instead, Hampton knew Norris because of previous dealings they'd had at the Varner Unit. Thus, even if Budnik or another official had accepted Hampton's list of nicknames, it wouldn't have led them to Norris or otherwise prevented his attack.

Defendants' motions for summary judgment, *Doc. 27 & 58*, are granted. Hampton's claims against Kelley will be dismissed without prejudice. His claims against Mickels, Straughn, and Budnik will be dismissed with prejudice. Hampton's motion for partial summary judgment, *Doc. 49*, is denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

25 September 2020